

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**GOVERNMENT EMPLOYEES
INSURANCE COMPANY**

v.

**BARBARA SMITH and
CHARLES SMITH**

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§
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§

PLAINTIFF

CIVIL ACTION NO. 1:08CV337-LG-RHW

DEFENDANT

ORDER GRANTING MOTION TO DISMISS COMPLAINT

BEFORE THE COURT is the Motion to Dismiss Complaint [21] filed by the plaintiff, Government Employees Insurance Company. The defendants do not oppose the Motion. Upon reviewing the Motion, the record in this matter, and the applicable law, the Court finds that the Motion should be granted.

GEICO filed this lawsuit, seeking a declaratory judgment that it has no duty to indemnify or provide a defense to Charles Smith in a state court lawsuit filed by Barbara Smith. GEICO asserts that this lawsuit is now moot because the state court action has been dismissed with prejudice. As a result, this declaratory judgment action is now moot and should be dismissed.

IT IS THEREFORE ORDERED AND ADJUDGED that the Motion to Dismiss Complaint [21] filed by the plaintiff, Government Employees Insurance Company, is **GRANTED**. This lawsuit is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED AND ADJUDGED this the 31st day of December, 2008.

s/ Louis Guirola, Jr.

Louis Guirola, Jr.
United States District Judge